

Significant Legislative Rule Analysis
WAC 246-824-075
Continuing Education Requirements for
Dispensing Opticians
August 15, 2014

Describe the proposed rule, including a brief history of the issue, and explain why the proposed rule is needed.

Currently, opticians report thirty hours of continuing education every three years. Fifteen hours must relate to contact lens education. The proposed rule will require a minimum of five hours of continuing education be earned in each year of a three year reporting cycle, but opticians must still complete a total of thirty hours every three years. Fifteen hours of the continuing education must relate to contact lenses. The proposal does not increase the total number of hours required.

The proposed rule also provides clarity in how opticians can obtain the required coursework, which includes the option to attend a local, state or national program, take self-study through distance learning, and taking electronic webinars or video presentations. The department received a petition for rulemaking from the Opticians Association of Washington requesting that opticians complete ten hours of continuing education each year of the three year reporting cycle, with five of the ten hours relating to contact lens education. The intent of the Association is to keep licensed dispensing opticians abreast of current and forecasted developments in a rapidly changing field. Input from stakeholders during the rulemaking process resulted in the current proposal of a minimum five hours each year of the three year reporting cycle.

Is a Significant Analysis required for this rule?

Yes, as defined in RCW 34.05.328 the proposed rule require a significant analysis.

Clearly state in detail the general goals and specific objectives of the statute that the rule implements.

RCW 18.34.120 states that the secretary may adopt rules establishing mandatory continuing education requirements to be met by persons applying for optician's license renewal. The purpose of the statute is to allow the secretary to adopt rules that set forth specific requirements which will protect the public through clearly stated requirements.

Explain how the department determined that the rule is needed to achieve these general goals and specific objectives. Analyze alternatives to rulemaking and the consequences of not adopting the rule.

Continuing education is required for renewal of a dispensing optician license. Continuing education activities that are more evenly distributed across a three year reporting period will provide a better opportunity for opticians to complete courses that offer updated information on advances in the field of opticianry as they occur. Clarifying how opticians can obtain the required coursework will facilitate them obtaining their coursework. Without the rule, opticians may get no continuing education for nearly three years and then get all of the credits in a short period of time.

Explain how the department determined that the probable benefits of the rule are greater than the probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented.

The proposed rule does not impose a compliance cost on dispensing opticians. Dispensing opticians are already required to obtain thirty hours of continuing education every three years. Based on limited feedback from stakeholders, most felt that they would complete hours in each of the three years regardless. In most cases costs for obtaining continuing education over a balanced period of time is not likely to be more or less expensive than thirty continuing education that is obtained over a shorter period of time or all at once. The benefit of the rule is that by requiring opticians to “spread out” their learning, they will likely be more proactive in seeking out educational opportunities throughout the reporting period thereby keeping current with changes as they occur in the field of opticianry. Based on this analysis, the total probable benefits of the proposed rule exceed the total probable costs.

Identify alternative versions of the rule that were considered, and explain how the department determined that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives state previously.

The original proposal of ten hours in each year of the three reporting period was not popular with some of the stakeholders. While most felt that they would likely complete hours in each of the three years, they were not in favor of a strict requirement. The recommendation for a minimum of five hours each year was from a licensee and was well received.

Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.

The proposed rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.

Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.

The proposed rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.

Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by an explicit state statute or by substantial evidence that the difference is necessary.

The proposed rule does not differ from any federal regulation or statute applicable to the same activity or subject matter.

Demonstrate that the rule has been coordinated, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.

The proposed rule has been coordinated, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.